

ORDINANCE No. 18030-03-2008

AN ORDINANCE ADOPTING A PER ACRE CHARGE FOR THE 15,808 ACRES SERVED BY CITY INITIATED SEWER MAINS UNDER SEWER PROJECT NO. PS46-070460140290 (DOE #4159) (THE "MARY'S CREEK PHASE 1A, B, AND D SEWER MAIN EXTENSION"); MAKING THIS ORDINANCE CUMULATIVE OF OTHER ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

Section 35-84 "Calculation of the Per Acre Charge" of the City Code requires the City Council to adopt an ordinance to allow a per acre charge to be assessed for the construction of sewer mains; and

WHEREAS, the City is initiating and constructing sewer mains under sewer project no. PS46-070460140290 (DOE #4159) (the "Mary's Creek Phase 1A, B, and D Sewer Main Extension") and such City initiated sewer mains are to be 36-inches in diameter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

The City Council finds, in accordance with City Code, Division III of Article III "Per Acre Charges", the City is constructing a City initiated sewer main (the "Main") to provide wastewater service and that such main is 36-inches in diameter. Further, the City Council finds that the Mary's Creek Phase 1A, B, and D Sewer Main Extension will serve a calculated sewer basin area of 15,808 acres, such sewer basin being more fully described in the attached exhibit "A", which is attached hereto and made a part hereof for all purposes. These sewer mains are located in Council District #7, pending the completed annexation for the project.

SECTION 2.

The City Council finds that \$6,182,456.60 is the Development Cost for the Main, and that \$ 391.10 is the per acre charge to be assessed within the calculated sewer basin. The City Council further finds that the per acre charge has been calculated in accordance with the requirements of City Code Section 35-84 (b).

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

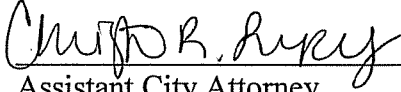
SECTION 4.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

This ordinance shall be effective upon adoption.

APPROVED AS TO FORM AND LEGALITY:


Assistant City Attorney

ADOPTED: March 25, 2008

City of Fort Worth, Texas

Mayor and Council Communication

COUNCIL ACTION: Approved on 3/25/2008 - Ord. No. # 18030-03-2008

DATE: Tuesday, March 25, 2008

LOG NAME: 60MARYS CREEK

REFERENCE NO.: G-16089

SUBJECT:

Adopt Ordinance for Sewer Per Acre Charge for Mary's Creek Phase 1A, B, and D Sewer Main Extension Pursuant to Section 35-84 of the City Code

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt the ordinance and boundary map establishing \$391.10 as the sewer per acre charge for the Mary's Creek Phase 1A, B, and D Sewer Main Extension; and
2. Establish the basin boundaries for these per acre charges to be assessed with payment of the assessment to the Fort Worth Water Department.

DISCUSSION:

Division 3, of Article III, Charter 35 provides for the criteria, calculation, assessment and payment of Per Acre Charges for the construction of sewer mains. Section 35-84 requires the City Council to adopt an ordinance to assess a per acre charge.

The Mary's Creek Phase 1A, B, and D Sewer Main Extension will be installed by the Fort Worth Water Department. This 36-inch, 18,500 linear feet sewer main will serve a calculated sewer basin area of 15,808 acres. (See Attachment "A").

The qualified costs used to establish the Mary's Creek Phase 1A, B, and D Sewer Main Extension per acre charge are engineering, construction, and easement acquisition costs as outlined below:

Engineering Design Cost	\$585,060.00
Sewer Main Construction Cost	\$5,409,327.60
<u>Easement Acquisition Cost</u>	<u>\$188,069.00</u>
TOTAL	\$6,182,456.60

The per-acre charge for the Mary's Creek Phase 1A, B, and D Sewer Main Extension per acre charge is \$391.10 per acre.

These mains meet the criteria established under the City Code. There is no restriction to the time period in which the per-acre charge will apply. The Water Department will start collecting this per-acre charge upon the City Council's adoption of the Ordinance. All the reimbursement will be to the Fort Worth Water Department.

The sewer mains are located in COUNCIL DISTRICT 7, pending the completed annexation for the project.

FISCAL INFORMATION/CERTIFICATION:

The Finance Director certifies that the Water Department is responsible for the collection and deposit of funds due to the City as a result of this action.

TO Fund/Account/Centers

PE45 493542 0701000

FROM Fund/Account/Centers

\$0.00

Submitted for City Manager's Office by:

Fernando Costa (8476)

Originating Department Head:

S. Frank Crumb (8207)

Additional Information Contact:

Doo Kim (2752)
